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In re Application: Brad Rumsey	:	DECISION ON PETITION FILED
Serial Number: 09/377286	:	June 17, 2002
Filing Date: August 18, 1999	:	
For: Positioning Flowable Solder for Bonding	:	
Integrated Circuit Elements	:	

Petitioner filed a petition for "Reopening of Prosecution After Filing An Appeal Brief in Order To Incorporate a New Ground of Rejection" on June 17, 2002.

The petition is DENIED.

An Appeal Brief was filed on January 2, 2002. An examiner's answer was mailed on May 21, 2002. A reply brief was submitted by Appellant on July 23, 2002, and that reply brief is acknowledged in the paper mailed with this decision.

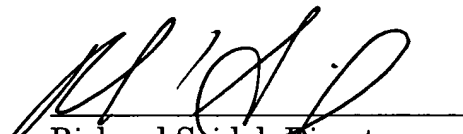
Appellant asserts that prosecution on this application should be reopened to include the new grounds of rejection presented in the examiner's answer. Appellant argues that the final rejection did not rely on the Abe, Schuller and Natarajan references for the rejection. Appellant further states that the examiner's answer relies on these references; therefore, a new grounds of rejection is being made.

After careful review of the final rejection and the examiner's answer, it is noted that the exact same ground of rejection is made in both the final office action and the examiner's answer. The final rejection, as in the first office action sets forth a rejection based on anticipation by Healy. This rejection is repeated in the examiner's answer. The rejection in this answer is identical to that presented in the final office action. As such, Petitioner's identification of a new ground of rejection in the answer is incorrect.

The Abe, Schuller and Natarajan references mentioned by Petitioner were not relied upon in the rejection: they are mentioned in the Response to Arguments section. To remove any ambiguity surrounding reliance on these references, a supplemental examiner's answer will be issued removing any mention of these references.

For the foregoing reasons, the examiner's answer is not found to contain a new ground of rejection and the petition is hereby denied. The case is being forwarded to the examiner for issuance of a supplemental examiner's answer.

For questions relating to this petition, Petitioner can contact the Supervisory Patent Examiner, Kamand Cuneo, at 571-272-1957.



Richard Seidel, Director
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